

SECTION 13

DORMANT DEVELOPMENTS/EXPIRED PROJECTS

13.01 B. **Progress Towards Completion Defined:** For purposes of this Section 13.01, progress toward completion of the development of land shall be considered to have occurred if as of May 11, 2000:

1. the approved application did not have an expiration date; and
2. any one or more of the following had occurred:
 - a. an application for a final plat or plan was properly filed in accordance with City ordinances, and said final plat or plan has not expired;
 - b. a good-faith attempt was made to file an application for a permit required to begin or continue towards completion of the development;
 - c. costs were incurred for developing the project, including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the development (but not including the cost of land acquisition) in the aggregate amount of five percent (5%) of the most recent appraised value of the real property on which the project is located;
 - d. fiscal security was posted with the City, or other regulatory agency, to ensure performance of obligations required by City ordinances and/or regulatory agencies; or
 - e. utility connection fees or impact fees for the project were paid to the appropriate authority or regulatory agency.

13.02 EXPIRATION DATE FOR PROJECTS AND PERMITS FILED ON OR AFTER SEPTEMBER 1, 2005

- A. **PROJECTS:** For projects commenced on or after September 1, 2005 by the filing of an application for a permit, the project shall expire on the fifth (5th) anniversary of the date the first application for a permit that was approved by the City was filed if there is no progress towards completion. Following expiration of a project, any new applications for permits submitted for a project shall be subject to the then existing regulations.
- B. **PERMITS:** Applications for a permit filed on or after September 1, 2005, for which the application does not expire pursuant to Article I, Section 12.01 or for which the permit is subsequently approved, the application for a permit

and/or the permit shall expire two (2) years from the date the application for a permit was filed if there is no progress towards completion.

13.03 EXPIRATION DATE FOR PERMITS FILED BEFORE SEPTEMBER 1, 2005 AND APPROVED ON OR AFTER MAY 11, 1999

Applications for permits and projects filed with the City before September 1, 2005 and approved on or after May 11, 1999 shall be valid for the period of time specified in the ordinances that existed on the date the application for permit was filed. If the approved application did not have an expiration date, then the permit shall be valid for eighteen (18) months beginning on the date the application for permit was filed.